

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

GERRY RUFF,

Plaintiff,

vs.

**Case No.: 2:17-cv-540
JUDGE GEORGE C. SMITH
Magistrate Judge Jolson**

CREDIT ADJUSTMENT, INC.,

Defendant.

ORDER

On June 26, 2017, the United States Magistrate Judge issued a *Report and Recommendation* recommending that Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* be denied. (See *Report and Recommendation*, Doc. 2). The parties were advised of their right to object to the *Report and Recommendation*. This matter is now before the Court on Plaintiff's Objections to the *Report and Recommendation*. (See Doc. 3).

Plaintiff objects to the finding in the *Report and Recommendation* that he incurred a new expense of a car payment of \$500. He represents that the payment was listed on a former Motion to Proceed *In Forma Pauperis* as First Investors for \$455.34, and the reason for the \$44.66 different in amount is due to late charged added to his payment. (Doc. 3). Plaintiff maintains that paying the \$400.00 filing fee will deprive him of his ability to provide the basic necessities for his family. (*Id.*).

Regardless of the aforementioned lack of change in the car payment, the Court has carefully reviewed the record and agrees with the Magistrate Judge that Plaintiff's circumstances

have changed in that his salary has increased and he is paying less child support, such that a one-time \$400 filing fee payment. Therefore, the Court finds that Plaintiff's Objections are without merit and are hereby **OVERRULED**.

The *Report and Recommendation*, Document 2, is hereby **ADOPTED** and **AFFIRMED**.

Plaintiff must file the \$400 filing fee on or before September 1, 2017, or his Complaint will be dismissed.

The Clerk shall remove Documents 1 and 2 from the Court's pending motions list.

IT IS SO ORDERED.

/s/ George C. Smith

GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT